

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

UNITED STATES OF AMERICA,

Plaintiff/Respondent,

vs.

Nos. CIV 16-0694 JB/SMV
CR 14-0423 JB

RONALD LEWIS CHAVEZ,

Defendant/Movant.

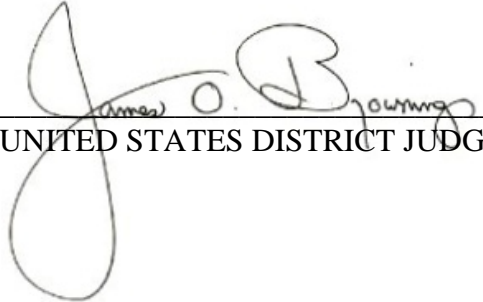
MEMORANDUM OPINION AND ORDER OF DISMISSAL OF MOTION TO
CORRECT SENTENCE PURSUANT TO 28 U.S.C. § 2255

THIS MATTER comes before the Court, under rule 4 of the Rules Governing Section 2255 Proceedings, on the Defendant/Movant's Motion to Vacate Judgment Under 28 U.S.C. § 2255, filed June 24, 2016 (CIV Doc. 1; CR Doc. 54) ("§ 2255 Motion"). In his § 2255 Motion, Defendant/Movant Ronald Lewis Chavez asserts that he improperly received an enhanced sentence as a career offender under the United States Sentencing Guidelines, because the residual clause of U.S.S.G. § 4B1.2 is unconstitutionally vague under the reasoning in Johnson v. United States, 576 U.S. ___, 135 S.Ct. 2551 (2015).

In Beckles v. United States, 580 U.S. ___, No. 15-8544, slip op (March 6, 2017), the Supreme Court of the United States of America held that the United States Sentencing Guidelines are not subject to a void-for-vagueness challenge. See 580 U.S. ___, No. 15-8544, slip op at 5. Pursuant to the Court's Order Lifting Stay and Directing the Parties to Confer and File a Joint Statement in Light of *Beckles*, filed March 14, 2017 (CIV Doc. 11; CR Doc. 64), the parties have filed a Joint Statement, filed March 31, 2017 (CIV Doc. 12; CR Doc. 65), that the ruling in Beckles v. United States is dispositive of all issues that Chavez' § 2255 Motion raises

and that the Court should dismiss his § 2255 proceeding with prejudice. Chavez is not entitled to relief and the Court will dismiss his § 2255 Motion under rule 4 of the Rules Governing Section 2255 Proceedings.

IT IS ORDERED that the Defendant/Movant's Motion to Vacate Judgment Under 28 U.S.C. § 2255, filed June 24, 2016 (CIV Doc. 1; CR Doc. 54), is dismissed with prejudice.



UNITED STATES DISTRICT JUDGE

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